



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2015-0289; FRL-9936-65-Region 9]

**Approval of California Air Plan Revisions, Imperial County Air
Pollution Control District**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Imperial County Air Pollution Control District (ICAPCD) portion of the California State Implementation Plan (SIP). This revision concerns the District's reasonably available control technology (RACT) requirements under the 1997 8-hour National Ambient Air Quality Standards (NAAQS) for ozone. This submitted SIP revision also contains ICAPCD's negative declarations for certain volatile organic compound (VOC) source categories. We are approving this document under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on **[Insert date 30 days after the date of publication in the Federal Register]**.

ADDRESSES: The EPA has established docket number EPA-R09-OAR-2015-0289 for this action. Generally, documents in the docket for this action are available electronically at

<http://www.regulations.gov> or in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901. While all documents in the docket are listed at <http://www.regulations.gov>, some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps, multi-volume reports), and some may not be available in either location (e.g., confidential business information (CBI)). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: James Shears, EPA Region IX, (213) 244-1810, shears.james@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, "we," "us" and "our" refer to the EPA.

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I. Proposed Action.

On September 1, 2015 (80 FR 52710), the EPA proposed to approve the following document into the California SIP.

Local Agency	Document	Adopted	Submitted
ICAPCD	Final 2009 Reasonably Available Control Technology State Implementation Plan ("2009 RACT SIP")	07/13/10	12/21/10

ICAPCD's submittal also included the following negative declarations which the District certified that it had no sources subject to the control techniques guidelines (CTG) documents.

CTG Source Category	CTG Reference Document
Aerospace	EPA-453/R-97-004, Aerospace CTG and MACT
Automobile and Light-duty Trucks, Surface Coating of	EPA-450/2-77-008, Control of Volatile Organic Emissions from Existing Stationary Sources - Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks EPA-453/R-08-006, Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings
Cans and Coils, Surface Coating of	EPA-450/2-77-008, Control of Volatile Organic Emissions from Existing Stationary Sources - Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks
Fiberglass Boat Manufacturing	EPA-453/R-08-004, Controls Techniques Guidelines for Fiberglass Boat Manufacturing
Flat Wood Paneling, Surface Coating of	EPA-450/2-78-032, Control of Volatile Organic Emissions from Existing Stationary Sources - Volume VII: Factory Surface Coating of Flat Wood Paneling EPA-453/R-06-004, Control Techniques Guidelines for Flat Wood Paneling Coatings

CTG Source Category	CTG Reference Document
Flexible Packing Printing	EPA-453/R-06-003, Control Techniques Guidelines for Flexible Package Printing
Graphic Arts - Rotogravure and Flexography	EPA-450/2-78-033, Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Graphic Arts - Rotogravure and Flexography
Large Appliances, Surface Coating of	EPA-450/2-77-034, Control of Volatile Organic Emissions from Existing Stationary Sources - Volume V: Surface Coating of Large Appliances EPA-453/R-07-004, Control Techniques Guidelines for Large Appliance Coatings
Large Petroleum Dry Cleaners	EPA-450/3-82-009, Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners
Offset Lithographic Printing and Letterpress Printing	EPA-453/R-06-002, Control Techniques Guidelines for Offset Lithographic Printing and Letterpress Printing
Magnet Wire, Surface Coating for Insulation of	EPA-450/2-77-033, Control of Volatile Organic Emissions from Existing Stationary Sources - Volume IV: Surface Coating of Insulation of Magnet Wire
Metal Furniture Coatings	EPA-450/2-77-032, Control of Volatile Organic Emissions from Existing Stationary Sources - Volume III: Surface Coating of Metal Furniture EPA-453/R-07-005, Control Techniques Guidelines for Metal Furniture Coatings
Miscellaneous Metal and Plastic Parts Coatings	EPA-453/R-08-003, Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings
Miscellaneous Metal Parts and Products, Surface Coating of	EPA-450/2-78-015, Control of Volatile Organic Emissions from Existing Stationary Sources - Volume IV: Surface Coating of Miscellaneous Metal Parts and Products
Miscellaneous Industrial Adhesives	EPA-453/R-08-005, Control Techniques Guidelines for Miscellaneous Industrial Adhesives

CTG Source Category	CTG Reference Document
Natural Gas/Gasoline Processing Plants Equipment Leaks	EPA-450/2-83-007, Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants
Paper, Film and Foil Coatings	EPA-453R-07-003, Control Techniques Guidelines for Paper, Film and Foil Coatings
Petroleum Refineries	EPA-450/2-77-025, Control of Refinery Vacuum Producing Systems, Wastewater Separators, and Process Unit Turnarounds EPA-450/2-78-036, Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment
Pharmaceutical Products	EPA-450/2-78-029, Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products
Pneumatic Rubber Tires, Manufacture of	EPA-450/2-78-030, Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires
Polyester Resin	EPA-450/3-83-008, Control of Volatile Organic Compound Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins EPA-450/3-83-006, Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment
Shipbuilding/Repair	EPA-453/R-94-032, Shipbuilding/Repair
Synthetic Organic Chemical	EPA-450/3-84-015, Control of Volatile Organic Compound Emissions from Air Oxidation Processes in Synthetic Organic Chemical Manufacturing Industry EPA-450/4-91-031, Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations in Synthetic Organic Chemical Manufacturing Industry
Wood Furniture	EPA-453/R-96-007, Wood Furniture

We proposed to approve ICAPCD's 2009 RACT SIP and negative

declarations because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the submitted document and our evaluation.

II. Public Comments and EPA Responses.

The EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action.

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this document, including the negative declarations, into the California SIP.

IV. Statutory and Executive Order Reviews.

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15

U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects using practicable, and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this approved action does not apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rules do not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of

Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [Insert date 60 days from date of publication of this document in the Federal Register]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference , Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 19, 2015

Jared Blumenfeld,
Regional Administrator,
Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for Part 52 continues to read as follows:

AUTHORITY: 42 U.S.C. 7401 et seq.

Subpart F - California

2. Section 52.220 is amended by adding reserved paragraph (c) (463) and adding paragraph (c) (464) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(463) [Reserved]

(464) The following plan was submitted on December 21, 2010 by the Governor's designee.

(i) [Reserved]

(ii) Additional Material.

(A) Imperial County Air Pollution Control District.

(1) Final 2009 Reasonably Available Control Technology State Implementation Plan ("2009 RACT SIP") as adopted on July 13, 2010.

3. Section 52.222 is amended by adding paragraph (a) (12) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(12) Imperial County Air Pollution Control District.

(i)

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Pneumatic Rubber Tires, Manufacture of	EPA-450/2-78-030, Control of Volatile Organic Emissions from Manufacture of Pneumatic Rubber Tires
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Wood Furniture	EPA-453/R-96-007, Wood Furniture

(ii) Submitted on December 21, 2010 and adopted on July 13, 2010.

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